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TELEPHONE (408) 971-2573
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FAX COVER SHEET

Date:	June 7, 2005	Phone Number	Fax Number
To:	Petitions Division, USPTO		(703) 872-9306
From:	Dominic M. Kotab		

Docket No.: IBM1P008/SJ09-2001-0135US1

App. No: 09/938,457

Total Number of Pages Being Transmitted, Including Cover Sheet: 10

Message:

Please deliver to the Petitions Division.

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Thank you,

JUN 13 2005

Dominic M. Kotab

OFFICE OF PETITIONS

Original to follow Via Regular Mail *Original will Not be Sent* *Original will follow Via Overnight Courier*

06/10/2005 DALLEN 00000016.090466 09938457

01 FC:1464 130.00 DA

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p.2



Practioner's Docket No. IBM1P008/SJ0920010135US1

2005 JUN - 9 AM 9:30 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert G. Biskeborn

Application No.: 09/938,457

Group No.: 11/04/2004

Filed: 08/23/2001

Examiner: Eley, Timothy V.

For: PIN ADAPTER FOR AIR BEARING SURFACE (ABS) LAPPING AND METHOD FOR USING
THE SAME

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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUN 13 2005

OFFICE OF PETITIONS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
— OFFICE ACTION NOT RECEIVED

1. In response to the Notice of Abandonment mailed 6/3/2005, I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received.
2. I hereby state:
 - (a) The Office Action indicated, as mailed on November 4, 2004, was not received.
 - (b) A search of the file jacket and the docket records in my office indicates that this Office Action was not received.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

— deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

— with sufficient postage as first class mail.

37 C.F.R. § 1.10*

— as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.


Signature

Erica L. Farlow

(type or print name of person certifying)

Date: 6/7/2005

* Only the date of filing ('1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(f). Consider "Express Mail Post Office to Addressee" ('1.10) or facsimile transmission ('1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

3. I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed. Please see page 2 of Exhibit A. This shows how the entry would have appeared on our docket.

4. As additional evidence of non-receipt of the Office Action, I also attach:

Exhibit B is a copy of the PAIRConnect Patent Record which shows a direct comparison of the PTO Action Items on the PAIR system and the IP Master Actions listed in our docketing database. The PAIR column shows the mailing of the Non-Final Rejection on 11/04/2004, but there is no action noted as received on our side.

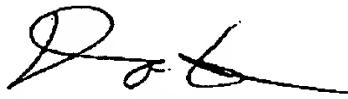
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

6. The petition fee (37 C.F.R. § 1.17(h)–\$130.00) is paid as follows:

Should the Commissioner find that a fee is necessary, authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 09-0466 (Order No. SJ0920010135US1).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.



Signature of Practitioner
Dominic M. Kotab
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Reg. No.: 42,762
Tel. No.: 408-971-2573
Customer No.: 50535

Practitioner's Docket No. IBM1P008/SJ0920010135US1


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ATTEN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert G. Biskeborn

Application No.: 09/938,457

Filed: 08/23/2001

Group No.: 11/04/2004

Examiner: Eley, Timothy V.

For: PIN ADAPTER FOR AIR BEARING SURFACE (ABS) LAPPING AND METHOD FOR USING THE SAME

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Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

JUN 13 2005

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— deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a) 37 C.F.R. § 1.10*
 — with sufficient postage as first class mail. as "Express Mail Post Office to Addressee"
 Mailing Label No. _____ (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.


 Signature
 Erica L. Farlow

Date: 6/7/2005

(type or print name of person certifying)

* Only the date of filing (1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 1.8 continues to be taken into account in determining timeliness. See 1.703(j). Consider "Express Mail Post Office to Addressee" (1.10) or facsimile transmission (1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petition to Withdraw Holding of Abandonment—Office Action Not Received—page 1 of 2

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A duplicate of this paper is attached.



Signature of Practitioner
Dominic M. Kotab
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Reg. No.: 42,762
Tel. No.: 408-971-2573
Customer No.: 50535



Patent: IBM1P008, United States, Regular, National,
Original Filing

Exhibit A

Patent Data

Docket No	IBM1P008	Senior Attorney	Dominic M. Kotab
Country	United States	Primary Attorney	
Case Type	Regular	Client/Division	International Business Machines
Relation Type	Original Filing	Current Owner	International Business Machines
Filing Type	National	Previous Owner	
Filing Number		Client Case No.	SJ09-2001-0135US1
Status	Filed	First Filing Date	8/23/2001
Sub Status		Sub Status Date	
Parent Country		Parent Filing Date	
Parent Number		Parent Grant Date	
Application Number	09/938,457	Application Date	8/23/2001
Patent Number		Grant Date	
Publication Number	2003-0040257	Publication Date	2/27/2003
Assigned	Assignment Recorded	Ind. Claims/Designs	0
Convention Type	No Foreign Filing	Total Claims	0
Req Not To Pub Incl	No	Total Classes	
TaxAgent		ConfirmationNumber	
Firm Attorney		Tax Base Date	
Administrator		Next Tax Date	
Custom Party #2		Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Alt Case No	
Custom Party #6		Priority Date	
Custom Party #7		US Case No	
Custom Party #8		Custom Date #3	
Firm Case Number		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Confirm No	
Customer Code		Customer Name	Silicon Valley IP Group

Title

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Pin Adapter For Air Bearing Surface (Abs) Lapping And Method For Using The Same

JUN 13 2005

Description

OFFICE OF PETITIONS

Current Expense Information

Other Case-Related Information

Actions

Action Code	Action Due Date	Taken Date	Deadline Date	Completed Date	Post Card Received	Who	Action Notes
Recorded Assignment Received				2/28/2002		Dominic M. Kotab	To International Business Machines Corporation

Office Action Mailed Date	9/10/2003	Dominic M. Kotab
Office Action Mailed Date	1/29/2004	Dominic M. Kotab
Office Action Mailed Date	4/13/2004	Dominic M. Kotab
Filing Receipt	1/10/2002	Dominic M. Kotab
Notice of missing parts mail d	9/26/2001	Dominic M. Kotab
File Audit Date	10/26/2004	During an ongoing file audit, I found that PAIR showed a Restriction mailed on 11/4/2004. We never received this Restriction. The 6 month date was 5/4/2005.
Notes	5/6/2005	
→ Restriction mail date	11/4/2004	Dominic M. Kotab If Document had been received ←
Assignment	10/23/2001	Dominic M. Kotab (MDC Rule 5/7)
Information Disclosure Statement	10/23/2001	Dominic M. Kotab (MDC Rule 6/13a-b)
Filing Receipt	11/23/2001	Dominic M. Kotab (MDC Rule 2/52a-53a)
Notice of missing parts - final	11/26/2001	Dominic M. Kotab
Publication	2/23/2003	Dominic M. Kotab (MDC Rule 2/98)
Status Inquiry	8/23/2003	Dominic M. Kotab Request for Status (MDC Rule 7/5a-7/13a)
Status Inquiry	10/5/2003	Dominic M. Kotab This application will be examined in 0-3 months
Status OA?	11/19/2003	Dominic M. Kotab
Office Action 3 mos.	12/10/2003	Dominic M. Kotab Response to Restriction Requirement
Response Due	2/29/2004	Dominic M. Kotab OA DEADLINE - Shortened Statutory Period
Status OA?	3/10/2004	Dominic M. Kotab
Office Action 3 mos.	7/13/2004	Dominic M. Kotab
Status OA?	7/29/2004	Dominic M. Kotab
Check PAIR	8/12/2004	Dominic M. Kotab Confirmed - Confirm receipt of Amendment A
Office Action 6 mos.	10/13/2004	Dominic M. Kotab
Status OA?	10/13/2004	Dominic M. Kotab
→ Restriction	12/4/2004	Dominic M. Kotab If document had been received ←
Petition to Revive	5/11/2005	Dominic M. Kotab Re-Docketed - Due to the restriction mailed 11/4/04 that we never received.
Petition to Revive	5/18/2005	Dominic M. Kotab Re-Docketed- Date has passed- Due to the restriction mailed 11/4/04 that we never received.
Petition to Revive	5/25/2005	Dominic M. Kotab Due to the restriction mailed 11/4/04 that we never received.
Petition to	6/1/2005	Dominic M. Kotab Due to the restriction mailed 11/4/04 that

Revive
Petition to Revive 6/8/2005

M. Kotab we never received.
Dominic Due to the restriction mailed 11/4/04 that
M. Kotab we never received.

Inventors

Inventor	Custom Text #2	Assignment Date	Inventor Date #2	Inventor 1	Inventor 2	Real Number 1	Real Number 2
Robert Glenn Biskeborn							

Assignment

Assignment1 Reel/Frame Assignment Date
Assignment 012429/0241 1/3/2002

CreateUser: conv

UpdateUser: Melissa

CreateDate: 3/14/2003

UpdateDate: 5/24/2005

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Exhibit B

PAIRConnect Patent Record

IP MASTER

IBW1P008

PAIR

		322	
		0	
		0	
		322	

Pre Issue Petition:
Post Issue Pet.:
PTO Adjustment:
PTO Delay:
Three Year Delay:
Applicant Delay:
Total PTA:

Number	Date
09938457	8/23/2001
US 2003-0040257	2/27/2003
Non Final Action Mailed	
451/008	GAU: 3724

Pin Adapter For Air Bearing Surface (Abs) Lapping And Method For Using The Same

Exhibit B

IBM1P008

PAIRConnect Patent Record

Downloaded 5/24/2005 12:59:00 PM

Office Action Mailed Date	1/29/2004	Requirement for Restriction / Election
	1/26/2004	
	11/21/2003	Date Forwarded to Examiner
	11/19/2003	Response to Election / Restriction Filed
Office Action 3 mos.	11/19/2003	
	9/10/2003	Mail Restriction Requirement
Status OA?	9/10/2003	
Office Action Mailed Date	9/10/2003	Requirement for Restriction / Election
	9/8/2003	
Status Inquiry	8/19/2003	
Status Inquiry	8/5/2003	
Publication	2/27/2003	Case Docketed to Examiner in GAU
Recorded Assignment Received	4/22/2002	
	2/28/2002	Application Dispatched from OIPE
	1/17/2002	Application Is Now Complete
Filing Receipt	1/10/2002	
Notice of missing parts - final	11/21/2001	
Assignment	11/21/2001	Notice Mailed--Application Incomplete--Filing Date
	10/1/2001	Assigned
	9/26/2001	Correspondence Address Change
Notice of missing parts mail d	9/26/2001	
Filing Receipt	9/26/2001	Correspondence Address Change
	9/25/2001	IFW Scan & PACR Auto Security Review
Information Disclosure Statement	8/30/2001	
	8/23/2001	Initial Exam Team nn